

# Notice of Allowability

Application No.

09/435,461

Examiner

Michael V. Meller

Applicant(s)

DYSON ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS ~~(OR REMAINS)~~ CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 11/29/2004.
2. ☒ The allowed claim(s) is/are 1, 12, 13, 18 and 21-24.
3. ☒ The drawings filed on 11/29/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Victoria Boyd on 1/24/2005.

The application has been amended as follows:

#### IN THE CLAIMS:

Claim 1, line 2, delete, "polyester" and insert, ---aromatic polyester resin, film, fiber, yarn or fabric during manufacture---, line 3, delete, "enzyme", line 6, delete, "in the absence of" and insert, ---without use of a---, line 8, insert, ---aromatic--- before the first occurrence of "polyester", insert, ---aromatic--- before second occurrence of "polyester", delete last line of the claim.

Claim 12, lines 1-2, delete, "a polyester article" and insert, ---an aromatic polyester textile article---, line 2, before "article" insert, ---aromatic polyester textile---,

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line 3, delete both occurrences of "enzyme", line 4, delete "wherein said polyesterase", line 7-8, delete, "enzyme with said polyester article" and insert, ---an aromatic polyester textile during manufacture and without the use of a surfactant ---, line 9, delete, "article" and insert, ---textile---, line 10, delete, "producing a modified polyester article" and insert, ---incorporating said modified aromatic polyester into a textile article---.

Claim 13, line 1, insert, ---aromatic---, before, "polyester".

Claim 21, line 2, delete, "a unsoiled" and insert, ---an unsoiled---, lines 2-3, delete "polyester, prior to the application of a finish, with a polyesterase" and insert, ---aromatic polyester textile during manufacture prior to the application of a finish and without the use of a surfactant with a polyesterase---, line 6, delete, "polyester" and insert, ---aromatic polyester textile---, line 7, insert, ---aromatic---after, "treated", last line, delete, "properties of said polyester".

Claim 23, lines 1-2, delete, "comprising , (a) contacting said polyester, prior to the application of a finish, with a polyesterase enzyme" and insert, ---during manufacture comprising contacting said aromatic polyester resin film, fiber, yarn or fabric during manufacture, prior to the application of a finish and without the use of a surfactant, with a polyesterase---, lines 6 and 7, delete, "textile properties of said aromatic polyester" and insert, ---properties of said aromatic polyester---, line 8, delete, "properties of said polyester".

The following is an examiner's statement of reasons for allowance: With the added claim limitations the prior art of record is no longer valid. Thus, the claims are not obvious or anticipated by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Meller whose telephone number is 571-272-0967. The examiner can normally be reached on Monday thru Thursday: 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'M. V. Meller', with a long horizontal flourish extending to the right.

Michael V. Meller  
Primary Examiner  
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MVM